

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1511, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, after line 28, begin a new paragraph and insert:
2 "SECTION 4. IC 31-14-14-1, AS AMENDED BY P.L.68-2005,
3 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2009]: Sec. 1. (a) A noncustodial parent is entitled to
5 reasonable parenting time rights unless the court finds, after a hearing,
6 that parenting time might:
7 (1) endanger the child's physical health and well-being; or
8 (2) significantly impair the child's emotional development.
9 (b) The court may interview the child in chambers to assist the court
10 in determining the child's perception of whether parenting time by the
11 noncustodial parent might endanger the child's physical health or
12 significantly impair the child's emotional development.
13 (c) **In a hearing under subsection (a), there is a rebuttable**
14 **presumption that a person who has been convicted of:**
15 **(1) child molesting (IC 35-42-4-3); or**
16 **(2) child exploitation (IC 35-42-4-4(b));**
17 **might endanger the child's physical health and well-being or**
18 **significantly impair the child's emotional development.**
19 (d) **If a court grants parenting time rights to a person who has**
20 **been convicted of:**
21 **(1) child molesting (IC 35-42-4-3); or**

- 1 **(2) child exploitation (IC 35-42-4-4(b));**
 2 **there is a rebuttable presumption that the parenting time with the**
 3 **child must be supervised.**
 4 ~~(c)~~ **(e)** The court may permit counsel to be present at the interview.
 5 If counsel is present:
 6 (1) a record may be made of the interview; and
 7 (2) the interview may be made part of the record for purposes of
 8 appeal."
 (Reference is to HB 1511 as printed February 20, 2009.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 1.

Senator Bray, Chairperson